# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/037,006 | 12/31/2001 | Labhesh Patel | 062891.0645 | 5690 |

| | | | EXAMINER |
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| 5073 7590 04/26/2007 | | | SAM, PHIRIN |
| BAKER BOTTS L.L.P. | | | |
| 2001 ROSS AVENUE | | | |
| SUITE 600 | | | ART UNIT / PAPER NUMBER |
| DALLAS, TX 75201-2980 | | | 2616 |

| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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PTOL-90A (Rev. 10/06)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/037,006 | PATEL ET. AL. |
| | **Examiner** | **Art Unit** | |
| | Phirin Sam | 2616 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>29 January 2007</u>.

2a)☐ This action is **FINAL.**       2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-10,12-52,54-94 and 96-132* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-52,54-94 and 96-132* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 December 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**PHIRIN SAM**
**PRIMARY EXAMINER**

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

# DETAILED ACTION

## *Claim Rejections - 35 USC § 102*

1.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.      Claims 1-10, 12-52, 54-106, and 108-132 are rejected under 35 U.S.C. 102(e) as being

anticipated by US 2004/0233892 (hereinafter referred as "Roberts").

**Regarding amended claims 1, 3, 12, 13, and claims 2, 4-6**, Roberts discloses a method

for indicating a priority of a voice over Internet Protocol (VoIP) call, comprising:

(a)      receiving a dialed number for a connection (see Figs. 1-3, paragraphs [0027], [0028]);

(b)      generating a call setup request including the dialed number (see Figs. 1-3, paragraph

[0029], [0030]);

(c)      receiving a priority for the call based on user input provided contemporaneously with the

dialed number (see Figs. 3 and 4, paragraphs [0047], [0051]);

(d)      accessing a rule base to validate the priority (see Figs. 3 and 4, paragraph [0048], [0056]);

(e)      generating a priority indicator based on the priority (see Fig. 3, paragraph [0049],

[0053]);

(f)      negating the priority indicator if determined invalid based on the rule base (see Fig. 4,

paragraph [0056]);

(g)  .    transmitting the call setup request and priority indicator (see Fig. 4, paragraph [0060]).

**Regarding claims 7, 23, 49, 65, 91, and 107**, Roberts discloses the user input is received as a prefix to the dialed number (see Figs. 1, 3, 5, and 6, paragraphs [0029], [0030], [0034], [0067], and [0077]).

**Regarding amended claims 9, 51, and 93**, Roberts discloses prompting a user for the priority with an automated system (see Figs. 1 and 3, paragraphs [0047]-[0049]).

**Regarding claims 10, 52, and 94**, Roberts discloses generating the priority in response to at least a spoken input sound recognized by voice recognition logic (see Fig. 1, paragraph [0030]).

**Regarding amended claims 14, 54, 67, 76, and 118**, Roberts discloses the rule base is based on statistical information gathered regarding a calling party device (see Figs. 1 and 2, paragraphs [0034], [0035]).

**Regarding amended claims 15, 55, 68, 77, 99, and 119**, Roberts discloses the rule base is based on statistical information gathered regarding both calling and called parties' devices (see Figs. 1 and 2, paragraphs [0034], [0035]).

**Regarding amended claims 16, 58, 69, 78, 100, and 120**, Roberts discloses the rule base is based on input provided by a user at a called party device (see Figs. 1 and 2, paragraphs [0034], [0035]).

**Regarding claims 17-22**, Roberts discloses a method for indicating a priority of a Voice Over Internet Protocol (VoIP) call, comprising:

(a)    receiving a call setup request to a dialed number (see Figs. 1 and 2, paragraph [0034]);

(b)    receiving a priority indicator for a connection based on user input provided contemporaneously with the dialed number (see Figs. 1-4, paragraph [0035], [0051]);

(c)      processing the call setup request to set up the connection (see Figs. 1-3, paragraphs [0035], [0048]);

(d)      transmitting the priority indicator for delivery to a destination device for indication to a call recipient (see Figs. 1 and 2, paragraphs [0034], [0035]).

**Regarding claims 24, 27, and amended claims 25, 26**, Roberts discloses accessing a rule base to validate the priority and negating the priority indicator if determined invalid based on the rule base (see Fig. 1, paragraph [0035], [0056]).

**Regarding amended claims 28, 30, and claims 29, 31, 32**, Roberts discloses a method for indicating a priority of a Voice Over Internet Protocol (VoIP) call, comprising:

(a)      ringing a dialed number to establish a connection with a calling party (see Figs. 1 and 2, paragraph [0023]);

(b)      receiving a priority indicator for the connection based on user input provided contemporaneously with the dialed number (see Figs. 1-4, paragraph [0029], [0030], [0034], and [0051]);

(c)      indicating to a call recipient the priority of the connection (see Figs. 1 and 2, paragraphs [0034]).

**Regarding claims 33-42**, Roberts discloses accessing a rule base to validate the priority and indicating the priority if valid (see Figs. 1-2 and 4, paragraphs [0035], [0037]-[0042], and [0056]-[0060]).

**Regarding amended claims 43, 59, 70, and claims 44-48, 60-64, 71-75**, Roberts discloses a system, comprising:

(a)      logic encoded in media (see Figs. 3 and 4, paragraphs [0058], [0060]);

(b)     the logic being operable to receive a dialed number for a connection (see Figs. 3 and 4,

paragraphs [0054]);

(c)     generate a call setup request including the dialed number (see Fig. 1, paragraphs [0029]);

(d)     receive a priority for the call based on user input provided contemporaneously with the

dialed number (see Figs. 1 and 2, paragraphs [0031]-[0033]);

(e)     access a rule base to validate the priority and generate a priority indicator based on the

priority (see Figs. 1 and 2, paragraphs [0033], [0035], [0037]-[0042]);

(f)     negate the priority indicator if determined invalid based on the rule base (see Figs. 1 and

2, paragraph [0035]);

(g)     transmit the call setup request and priority indicator (see Fig. 4, paragraphs [0059],

[0060]).

**Regarding claims 56, 57, 66, and 98**, Roberts discloses the rule base is based on

statistical information gathered regarding a calling party device (see Figs. 2 and 4, paragraphs

[0033], [0037]-[0042], [0049]).

**Regarding claims 79 and 121**, Roberts discloses the priority is indicated by a distinctive

ring (see Figs. 1 and 2, paragraphs [0034]-[0042]).

**Regarding claims 80 and 122**, Roberts discloses the priority is indicated by a flashing

light (see Figs. 1 and 2, paragraphs [0034]-[0042]).

**Regarding claims 81 and 123**, Roberts discloses the priority is indicated by a display on

an LCD display (see Figs. 1 and 2, paragraphs [0034]-[0042]).

**Regarding claims 82 and 124**, Roberts discloses the priority is indicated by a spoken

phrase (see Figs. 1, 2, and 4, paragraphs [0030], [0034]-[0042], [0059]).

**Regarding claims 83 and 125,** Roberts discloses the spoken phrase is a pre-recorded voice file (see Figs. 1, 2, and 4, paragraphs [0030], [0034]-[0042], [0059]).

**Regarding claims 84 and 126,** Roberts discloses the spoken phrase is a real-time uttered phrase of a calling party (see Figs. 1 and 2, paragraphs [0073]-[0075]).

**Regarding amended claim 85,** the subject matters of this claim are rejected similar to claim 1.

**Regarding claims 86-90 and 113-116,** the subject matters of these claims are rejected similar to claims 2-6.

**Regarding amended claims 96 and 97,** Roberts discloses a means for validating the priority at a calling party device (see Fig. 4, paragraph [0056]).

**Regarding amended claim 101,** the subject matters of this claim are rejected similar to claim 17.

**Regarding claim 102,** the subject matters of this claim are rejected similar to claim 18.

**Regarding amended claim 103,** the subject matters of this claim are rejected similar to claim 19.

**Regarding amended claim 104,** the subject matters of this claim are rejected similar to claim 20.

**Regarding amended claim 105,** the subject matters of this claim are rejected similar to claim 21.

**Regarding claim 106,** the subject matters of this claim are rejected similar to claim 22.

**Regarding amended claim 108,** the subject matters of this claim are rejected similar to claim 24.

**Regarding amended claim 109**, the subject matters of this claim are rejected similar to claim 25.

**Regarding amended claim 110**, the subject matters of this claim are rejected similar to claim 26.

**Regarding claim 111**, the subject matters of this claim are rejected similar to claim 27.

**Regarding amended claim 112**, Roberts discloses a system, comprising:

(a)    a means for ringing a dialed number to establish a connection with a calling party (see Figs. 1 and 2, paragraph [0034]);

(b)    a means for receiving a priority indicator for the connection based on user input provided contemporaneously with the dialed number (see Figs. 1 and 2, paragraph [0035]);

(c)    a means for indicating to a call recipient a priority of the connection (see Figs. 1 and 2, paragraphs [0036]-[0042]).

**Regarding amended claim 117**, Roberts discloses a means for accessing a rule base to validate the priority and a means for indicating the priority if valid (see Figs. 1 and 2, paragraph [0035]).

**Regarding amended claims 127 and 129**, Roberts discloses a method for indicating a priority of Voice Over Internet Protocol (VoIP) calls, comprising:

(a)    receiving contemporaneously with placement of a call a user specified priority for the call (see Figs. 1-4, paragraphs [0023], [0027], [0030], [0031], and [0051]);

(b)    communicating the user specified priority as part of placement of the call for indication of the priority to a called party (see Fig. 1, paragraphs [0029]-0031]).

**Regarding claim 128**, Roberts discloses the user specified priority is independent of a user and the called party (see Figs. 1-3, paragraph [0037], [0048], [0053]).

**Regarding claim 130**, Roberts discloses a method for indicating the priority of a Voice Over Internet Protocol (VoIP) call, comprising:

(a)     receiving a dialed number for a connection (see Figs. 1-3, paragraphs [0027], [0028]);

(b)     generating a call setup request including the dialed number (see Figs. 1-3, paragraph [0029], [0030]);

(c)     receiving a priority for the call based on user input provided contemporaneously with the dialed number (see Figs. 3 and 4, paragraphs [0047], [0051]);

(d)     generating a priority indicator based on the priority, wherein the priority indicator is an information element (IE) (see Fig. 3, paragraphs [0037]-[0042], [0047], [0048]);

(e)     receiving an alerting phrase from a user (see Fig. 4, paragraphs [0052], [0053]);

(f)     transmitting the call setup request, the priority indicator, and the alerting phrase (see Fig. 4, paragraph [0054]).

**Regarding claim 132**, Roberts discloses a method for indicating the priority of a voice over Internet protocol (VoIP) call, comprising:

(a)     receiving a dialed number for a connection (see Figs. 1-3, paragraphs [0027], [0028]);

(b)     generating a call setup request including the dialed number (see Figs. 1-3, paragraph [0029], [0030]);

(c)     receiving a priority for the call based on user input provided contemporaneously with the dialed number (see Figs. 3 and 4, paragraphs [0047], [0051]);

(d)     generating the priority in response to at least a spoken input sound recognized by voice

recognition logic (see Figs. 1 and 2, paragraphs [0035]-[0038]);

(e)     generating a priority indicator based on the priority (see Fig. 3, paragraphs [0037]-[0042],

[0047], [0048]); .

(f)     transmitting the call setup request and priority indicator (see Fig. 4, paragraph [0054]).

**Regarding claims 8, 50, and 131**, Roberts discloses the activation of a button on an

input device (see Fig. 6, paragraph [0073]).

### *Response to Arguments*

3.      Applicant's arguments with respect to claims above have been considered but are moot in

view of the new ground(s) of rejection.

### *Conclusion*

4.      The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

(1) US Patent 7,023,802 (Kawahata et al) discloses network system priority control method.

. (2) US Patent 7,002,919 (El-Sayed) discloses method and system for guaranteeing quality of

service for voice over IP services.

(3) US Patent 6,975,621 (Deshpande et al) discloses method to optimally select bandwidth and

priority for voice message packets in a voice over IP network.

(4) US Patent 6,826,173 (Kung et al) discloses enhanced subscriber IP alerting.

5.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082.  The

examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: April 20, 2007

PHIRIN SAM
PRIMARY EXAMINER